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Attorney Docket No. 17376-5

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Assistant Commissioner for Patents,
Washington, D.C. 20231, on November 12, 1996

By

P. Bell



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: TBA
)	
Dave Leahy, et al.)	Art Unit TBA
)	
Serial No.: NEW)	DECLARATION OF PHILIP H.
)	ALBERT IN SUPPORT OF PETITION
Filed: November 12, 1996)	FOR FILING PATENT APPLICATION
)	UNDER 37 CFR §1.47(b):
For: SCALABLE VIRTUAL WORLD CHAT))	APPLICATION BY ASSIGNEE WHEN A
CLIENT-SERVER SYSTEM)	JOINT INVENTOR REFUSES TO SIGN
)	<u>OR CANNOT BE FOUND</u>

Box: Patent Application
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I, Philip H. Albert, declare as follows.

1. I am an associate in the law firm of Townsend and Townsend and Crew LLP and am one of the attorneys of record in the subject application.

2. On November 7, 1996 and times before, I met personally and by telephone with Mr. Ardon requesting that he review the above-captioned patent application and sign a Rule 63 declaration provided to him.

3. Mr. Ardon refused to sign the declaration stating his belief that the claims did not recite patentable subject matter.

4. After explaining to him the legal test for novelty and non-obviousness, I requested that Mr. Ardon provide an example of prior art which would render the claimed invention unpatentable, but he could not cite any.

5. Mr. Ardon is currently employed either as a consultant or an employee for one of Worlds' competitors. Worlds is concerned that Mr. Ardon may be basing his refusal to sign on a desire to prevent Worlds from obtaining a patent on an invention his current employer may wish to exploit.

6. I offered Mr. Ardon the opportunity to provide me with prior art references which I would submit in an Information Disclosure Statement, but he indicated that he would not take the time to search for prior art.

7. To my knowledge, Mr. Ardon does not dispute that he was the developer of parts of the subject matter disclosed in the application and of parts of the claimed subject matter, only disputing the patentability of the claimed subject matter.

8. In discussions about the patentability of the claims, I asked Mr. Ardon to cite prior art which might cause the claims to be unpatentable. He cited a number of existing systems, such as "Habitat" developed by Compuserve, "Doom" developed by id Software, the DIVE system used in Switzerland, and systems called "AMBER" and "DESCENT." Mr. Ardon may have mentioned other systems, but I do not recall any beyond those in my notes.

9. When I asked Mr. Ardon about specific limitations of the systems, he indicated that many of them were proprietary and he did not know about their inner workings.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may

Richard M. Peters, Jr, et al.
Serial No. 08/263,646
Page 3

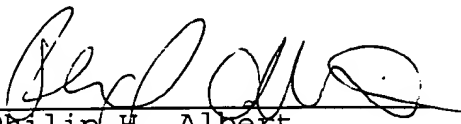
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jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted

Date: 12 Nov 96

By


Philip H. Albert
Reg. No. 35,819

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834
Telephone: (415) 576-0200
Fax: (415) 576-0300